

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**

OFFICER: JOSE SANTINI
TAX NUMBER: 956 237

DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York City Civilian Complaint Review Board (CCRB) has deemed substantiated an allegation that on or about April 14, 2018, Officer Santini refused to process a civilian complainant's report, which the complainant attempted to make at the PSA 5 Precinct. According to the complainant, he:

told the officer, identified by the investigation as PO Santini, that he was assaulted by a police officer and that his property was damaged and seized. PO Santini said that they do not take reports against police officers and there was nothing they do. PO Santini said this complaint had to be taken to the CCRB and showed Mr. Burke a sign for the CCRB and told him that he should contact the CCRB. Mr. Burke took photos of the signs (Board Reviews 13, 14) and then left the stationhouse.

The signs that Mr. Burke took photos of are entitled "Three ways to report police misconduct to the New York City Civilian Complaint Review Board." The flyer lists the CCRB's intake phone number, the CCRB's website, and states that the complaint can be made in person at the CCRB's office or at any police precinct. . . .

PO Santini, who was working as the telephone/switchboard operator on the day of the incident, testified that Mr. Burke came into the stationhouse and asked him how to make a complaint against a police officer (Board Review 15). PO Santini did not recall if Mr. Burke said why he wanted to make a complaint. After Mr. Burke stated he wanted to make a complaint, PO Santini went behind the desk to a poster board and saw a laminated paper entitled "Three Ways to Make a CCRB Complaint." PO Santini showed Mr. Burke these papers, who took pictures of them, and then left the stationhouse. PO Santini did not recall what the three ways to make a CCRB complaint were. PO Santini did not read the poster board beyond the title. The photo of the poster board was presented to PO Santini during his CCRB interview. PO Santini was directed to the part of the poster where it stated that a complaint could be made "at your local precinct." PO Santini stated he did not read this at the time of the incident. The day of the incident was PO Santini's first and last time working as a T/S operator and he was never asked how to make a complaint prior to this interaction. PO

Santini acknowledged being unfamiliar with the procedure of taking a CCRB complaint. PO Santini did not recall if Mr. Burke asked to make the complaint at the stationhouse. PO Santini did not tell Mr. Burke that he could not make the complaint at the stationhouse but did not recall offering to take Mr. Burke's complaint at the stationhouse.

PO Santini denied that he told Mr. Burke that he could not make a complaint at the stationhouse. However, based on the video that Mr. Burke took immediately after the incident claiming that he was not allowed to make the report at the stationhouse, the investigation does not credit PO Santini in that regard and finds that Mr. Burke did attempt to file this complaint at the stationhouse. While PO Santini was admittedly unfamiliar with the procedure on how to process a civilian complaint, if he read the flyer beyond the title, he would have seen that a complaint could be filed at the stationhouse. The investigation found by a preponderance of the evidence that PO Santini refused to process Mr. Burke's complaint regarding officers.

Accordingly, the CCRB deemed substantiated the charge of Abuse – Refusal to Process Civilian Complaint.

This matter was referred to the New York Police Department (NYPD). Per CCRB records, the NYPD deemed the charge substantiated.

2. The New York City Police Department has deemed substantiated an allegation that on or about September 12, 2018, Jose Santini committed the violations of Computer Misuse, Misuse of Department Equipment – Cellular Phone, Disclose Confidential Information – Other, and committed the minor procedural violations of Fail to Safeguard Department Equipment – Department Computer Code and PD Items Possess/Use/Display/Sell – Restricted Use Parking Plaque – Unauthorized Use.

These findings led to the issuance of Charges and Specifications alleging that Jose Santini, while assigned to PSA 5: (A) between on or about July 26, 2017 and January 16, 2018, on seven (7) different dates, wrongfully and without just cause conducted multiple computer inquiries on Department computer systems unrelated to official Department business; (B) between on or about and between August 1, 2017 and November 16, 2017, on three different dates, wrongfully and without, just cause divulged or disclosed information obtained from Department computer systems, without a valid law enforcement purpose; (C) on or about August 1, 2018, wrongfully and without just cause conducted one inquiry on Department computer systems unrelated to official Department business; and (D) on or about August 1, 2018, wrongfully and without just cause divulged or disclosed information obtained from Department computer systems, without a valid law enforcement purpose. He pleaded guilty to these four charges.

The Charges and Specifications related to searches he did on his ex-girlfriend, a childhood friend, on himself, and other people, with no departmental

justification. The finding relating to misuse of his departmental parking plaque related to parking within 15 feet of a hydrant and parking illegal at times in his residential neighborhood. The finding on failure to safeguard computer code related to occasions when he went off duty without signing out of his departmental computer.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Two of these are online databases maintained by the New York City Police Department (<https://nypdonline.org/link/1026>) and the New York City Civilian Complaint Review Board (<https://www1.nyc.gov/site/ccrb/policy/MOS-records.page>). Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: March 11, 2021